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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/541,308	07/05/2005	Kinya Kawase	050390	8134
23850 7590 12/01/2009 KRATZ, QUINTOS & HANSON, LLP 1420 K Street, N.W. Suite 400 WASHINGTON, DC 20005				
EXAMINER				
ZHU, WEIPING				
ART UNIT		PAPER NUMBER		
1793				
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12/01/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/541,308

Applicant(s)

KAWASE ET AL.

Examiner

WEIPING ZHU

Art Unit

1793

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 August 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,5,6,9-11,14,15,18-21 and 23-27 is/are pending in the application.
- 4a) Of the above claim(s) 10,11,14,15,18-21 and 25-27 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,5,6,9,23 and 24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 8/28/2009
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Status of Claims

1. Claims 1, 5, 6, 9, 23 and 24 are currently under examination, wherein the claims 1, 5 and 6 have been amended in applicant's amendment filed on August 28, 2009. Original claims 2 and 22 have been cancelled in the same amendment.

Status of Previous Rejections

2. The previous rejections of claims 1, 2, 5, 6, 9 and 22-24 under 35 U.S.C. 103(a) as stated in the Office action dated May 29, 2009 are maintained as follows.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 5, 6, 9, 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 06-041609 in view of Svilar et al. (US 4,731,118) as stated in the Office action dated May 29, 2009.

With respect to the amended features in the instant claim 1, Svilar et al. ('118) discloses a prealloyed copper comprising iron, zinc, manganese, other elements and combinations thereof as alloying elements (col. 4, lines 52-55), suggesting iron and zinc combination can be used as the alloying elements. Svilar et al. ('118) does not specify the content of zinc in the copper alloy as claimed. However, Svilar et al. ('118) discloses a prealloyed copper comprising by weight 2-3% of iron, 0.5-1.5% of manganese and

0.5-1.0% of other elements (col. 6, lines 15-44). When it is desirable to use the iron and zinc combination only to alloy copper, it would have been obvious to one of ordinary skill in the art to substitute zinc for the manganese and other elements in the prealloyed copper disclosed by Svilar et al. ('118) with expected success, because these alloying elements can be added in any combination as desired as disclosed by Svilar et al. ('118) (col. 4, lines 52-55). Therefore, a prealloyed copper of Svilar et al. ('118) containing only iron and zinc combination as the alloying elements would have a zinc content by weight of 1.0-2.5%, which is within the claimed range. The zinc content by weight in the ferrous sintered alloy member of JP ('609) in view of Svilar et al. ('118) would be 0.015-0.0375%, which is also within the claimed range, because JP ('609) in view of Svilar et al. ('118) discloses that the ferrous sintered alloy member comprises by weight 1.5% of copper alloy powder, 0.9% of graphite powder and the balance of iron powder (abstract, JP ('609), paragraph [0011], machine translation).

With respect to amended features in the instant claims 5 and 6, see the reason for the rejection of the amended features in the instant claim 1 above. Svilar et al. ('118) does not require the presences of manganese or silicon in the copper alloy as asserted by the applicant.

Response to Arguments

4. The applicant's arguments filed on August 28, 2009 have been fully considered but they are not persuasive.

The applicant argues that JP ('609) in view of Svilar et al. ('118) does not disclose the amended features in the instant claims 1, 5 and 6. In response, see the reason for the rejection of the amended features in the instant claims 1, 5 and 6 above.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Weiping Zhu whose telephone number is 571-272-6725. The examiner can normally be reached on 8:30-16:30 Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Roy King can be reached on 571-272-1244. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Roy King/
Supervisory Patent Examiner, Art
Unit 1793

WZ

10/6/2009